

ZB# 77-1

Long John Silver

69-4-26.12

77-1 Long John Silver -
(Sign variance)

Public Hearing

Feb. 14, 1977 - 8 p.m.

(from a file previously
entitled 76-24)

OCDP to be notified.

Kept paid 4/7/77.

2/14/77 - Variance
granted - 60 ne
W @

69-4-26.12.

GENERAL RECEIPT

3171

Town of New Windsor, N. Y.

Long John Silver's #77-1 Mar 21, 1977

Received of

Clabys Food Operations, Inc \$ 50.00

Fifty and 00/100

Dollars

For

Variance Application

DISTRIBUTION

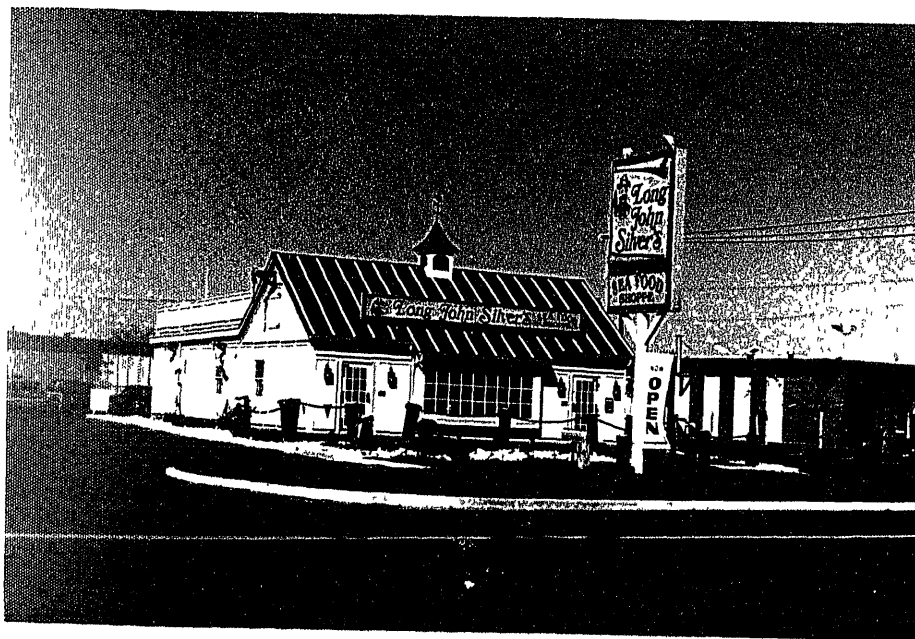
FUND	CODE	AMOUNT
50.00		
Check		

BY

Charlotte Marcantonio

TITLE

WILLIAMSON LAW BOOK CO., ROCHESTER, N. Y. 14609



(Sign variance)



STOCK NO. 10012

10012

694-26112

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x
In the Matter of the Application of
CLABIR FOOD OPERATIONS, INC.

DECISION GRANTING
A SIGN AREA VARIANCE

for a sign variance. #77-1.
-----x

WHEREAS CLABIR FOOD OPERATIONS, INC., located in Greenwich, Connecticut, 06830, through its agent, Lou Casale, has made application for variance from the provisions of New Windsor Local Law, Section 3.2 of the Table of Use Regulations, Column D, to permit variance on a sign; and

WHEREAS a public hearing on the application was held by the Zoning Board of Appeals at the Town Hall, 555 Union Avenue, New Windsor, New York on the 14th day of February, 1977, after due publication in The Evening News and due notices to residents and businesses within 500 feet of the subject premises by certified mail; and

WHEREAS, Mr. Lou Casale of Clabir Food Operations, Inc., appeared on behalf of Clabir Food and Long John Silver Seafood Shoppes at a public hearing, and no opposition having appeared;

NOW THEREFORE the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The proposed signs are in good taste and not offensive to the neighboring properties.
2. The signs are needed for identification since the applicant is new in the area.
3. The variance is for 60 square ft. area variance for the signs which is not inconsistent with other signs located in the same zone.

The Zoning Board of Appeals of the Town of New Windsor makes the following determinations of law in this matter:

1. The variance sought is not substantial in relation to the allowed sign size in the C zone under the Zoning Local Law; and

2. The affect of the variance if allowed on the population and available government facilities would be nil; and

3. No substantial change in the character of the neighborhood would result nor would there be a substantial detriment to the adjoining properties.

4. The difficulty with respect to advertising of the business cannot be obviated by some other method feasible for the applicant to pursue, other than a variance.

5. The interests of justice would be served by allowing the variance.

AND THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of New Windsor determines that the applicant meets the practical difficulty test for a zoning variance as sought.

BE IT FURTHER RESOLVED that a copy of the decision be forwarded to the applicant, Town Clerk and Town Planning Board.

Dated: February 28., 1977.


THEODORE JARGSTORFF



COUNTY OF ORANGE

FEB 16 1977

Department of Planning

124 MAIN STREET (1887 Building)

GOSHEN, NEW YORK 10924

TEL. (914) 294-5151

Peter Garrison, A.I.P., Commissioner

Edwin J. Garling, A.I.P., Deputy Commissioner

February 15, 1977

Mr. T. Jargstorf, Chairman
New Windsor Zoning Board of Appeals
c/o Patricia Razansky, Secretary
Town Hall
New Windsor, New York 12550

Re: Variance - Long John Silver Inn
Route 32

Dear Mr. Jargstorf:

We are in receipt of the above application in accordance with the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York.

We hereby return the matter for final local determination.

Very truly yours,

Peter Garrison
Commissioner of Planning

PG/jm

ZONING BOARD OF APPEALS
Town of New Windsor, New York 12550

555 Union Avenue
New Windsor, N. Y.
February 15, 1977

Clabir Food Operations, Inc.
145 Mason Street
P. O. Box 2575
Greenwich, Connecticut 06830

Attn: Mr. Lou Casale

RE: APPLICATION FOR SIGN AREA VARIANCE
CLABIR FOOD OPERATIONS, INC. - Long John Silver

Dear Lou:

This is to confirm the results of a Public Hearing held on Monday evening, February 14, 1977 before the Zoning Board of Appeals of the Town of New Windsor wherein Clabir Food Operations, Inc. was granted a 60 square foot sign area variance.

A formal decision will be drafted by the Board Attorney and will follow upon acceptance of same.

If there is anything further that the Board can do in connection with the above matter, please do not hesitate to call.

Very truly yours,



Patricia Razansky, Secretary

/pr

cc: New Windsor Planning Board
Attn: Hank Van Leeuwen, Chairman

Howard Collett, Bldg./ Zoning Inspector
Town of New Windsor

ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

77-1
(Number) _____

2-3-77
(Date) _____

I. Applicant information:

- (a) Clabir Food Operations, Inc., 145 Mason Street, Greenwich, Ct. 06830
(Name, address and phone of Applicant) 203-661-2074
- (b) Clabir Food Operations, Inc., 145 Mason Street, Greenwich, Ct. 06830
(Name, address and phone of purchaser or lessee)
- (c) Kevin McGovern, Ivey, Barnum & O'Mara, 170 Mason St., Greenwich, Ct. 06830
(Name, address and phone of attorney) 203-661-6000
- (d) Herb Slepoy, 881 Knota Road, Woodmere, N.Y. 11598, 212-341-3752
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☐ Area variance
- ☒ Sign variance
- ☐ Special permit

III. Property information:

- (a) C Route 32, Vails Gate 200' x 225'
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? R4
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1973
- (e) Has property been subdivided previously? no When? _____
- (f) Has property been subject of variance or special permit previously? no When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no. If so, when _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. no

2-3-77
(Date)

I. Applicant information:

- (a) Clabir Food Operations, Inc., 145 Mason Street, Greenwich, Ct. 06830
(Name, address and phone of Applicant) 203-661-2074
- (b) Clabir Food Operations, Inc., 145 Mason Street, Greenwich, Ct. 06830
(Name, address and phone of purchaser or lessee)
- (c) Kevin McGovern, Ivey, Barnum & O'Mara, 170 Mason St., Greenwich, Ct. 06830
(Name, address and phone of attorney) 203-661-6000
- (d) Herb Slepoy, 881 Knota Road, Woodmere, N.Y. 11598, 212-341-3752
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III. Property information:

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- (b) What other zones lie within 500 ft.? R4
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1973
- (e) Has property been subdivided previously? no When?
- (f) Has property been subject of variance or special permit previously? no When?
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? no. If so, when
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. no



IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____, to allow _____

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

** Non-residential districts only

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>/</u>	<u>/</u>	<u>/</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.



VI.

Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
<i>FREE STANDING</i>			
<i>Roof</i>			
Sign 1	<u>80' }</u>	<u>80</u>	<u>60' }</u>
Sign 2	<u>80' }</u>	<u>60</u>	<u>60' }</u>
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	<u>80</u> sq.ft.	<u>140</u> sq.ft.	<u>60</u> sq.ft.

- X (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

Due to the inconspicuous location of our building which is
predicated on the set-backs and grading of the site, we are
requesting additional sign area to facilitate the proper
visibility.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

140 sq. ft.



VI.

Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
<i>FREE STANDING</i>			
<i>ROOF</i>			
Sign 1	<u>80' }</u>	<u>80</u>	<u>60' }</u>
Sign 2	<u>80' }</u>	<u>60</u>	<u>60' }</u>
Sign 3			
Sign 4			
Sign 5			
Total	<u>80</u> sq.ft.	<u>140</u> sq.ft.	<u>60</u> sq.ft.

X(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

Due to the inconspicuous location of our building which is
predicated on the set-backs and grading of the site, we are
requesting additional sign area to facilitate the proper
visibility.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and Free-standing signs?

140 sq. ft.



VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.
- (b) Describe in detail the use and structures proposed for the special permit.



VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)



IX. Attachments required:

- ____ Copy of letter of referral from Building and Zoning Inspector.
- ____ Copy of contract of sale, lease or franchise agreement.
- ____ Copy of tax map showing adjacent properties
- ____ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ✓ Copy(ies) of sign(s) with dimensions.
- ✓ Check in amount of \$ 50.00 payable to Town of New Windsor.
- ____ Check in the amount of \$ _____ payable to Secretary for taking public hearing.
- Photos of existing premises which show all present signs and landscaping.

All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper



VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)



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- ___ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ✓ Copy(ies) of sign(s) with dimensions.
- ✓ Check in amount of \$ ^{50.00} ~~25.00~~ payable to Town of New Windsor.
- ___ Check in the amount of \$ _____ payable to Secretary for taking public hearing.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- ___ Other

X. AFFIDAVIT.

Date 2-3-77

Connecticut
STATE OF ~~NEW YORK~~
Fairfield SS.:
COUNTY OF ~~ORANGE~~)

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

[Signature]

(Applicant)

Sworn to before me this

3 day of Feb., 1977.

REBECCA A. KOSISKO
NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 31, 1981

XI. ZBA Action:

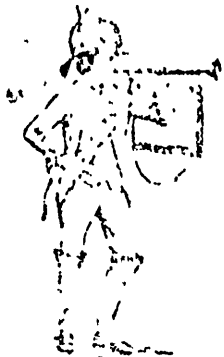
- (a) Public Hearing date _____
- (b) Variance is _____
- (c) Special Permit is _____
- (c) Conditions and safeguards _____
- _____
- _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-
LUTION OF ZONING BOARD OF APPEALS.

505 8550

OFFICE OF THE ASSESS

TOWN OF NEW WINDSOR



1763

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 563-8808

returned
✓ Simonson, Richard & Helen
Vails Gate, New York 12584

✓ Brewer, Ella
Box 527
Vails Gate, New York 12584

✓ Brewer, Wilbur
Vails Gate, New York 12584

✓ Ernst, Jerome & Pearl
1594 Unionport Road
Bronx, New York 10462

✓ Brewer, Walter
Vails Gate, New York 12584

✓ McMillan, Mary
Vails Gate, New York 12584

✓ Brewer, Russell R. Sr.
P.O. Box 103
Vails Gate, New York 12584

Brewer, Helen, Ida Mae, Michael
Vails Gate, New York 12584

Deyo, Beatrice, James, Scher, Hanna
Vails Gate, New York 12584

✓ Pushman, Albert & William
Box 158
Vails Gate, New York 12584

✓ Pushman, Albert & Josephine
Vails Gate, New York 12584

✓ Pushman, William J. & Marion
Route 32
Vails Gate, New York 12584

✓ Carione, John & Louise
333-335 Blooming Grove Tpke.
New Windsor, New York 12550

✓ Dahlin, Raymond G. & Jean M.
Box 508
Vails Gate, New York 12584

✓ Franchise Realty Interstate corp.
P.O. Box 66207
AMF O'Hare Airport
Chicago, Illinois 60666

✓ Mobil Oil Corp. Eastern Reg. Prop.
Tax Division
P.O. Box 839
Valley Forge Pa. 19482

✓ V G R Associates
P.O. Box 334
Lenox Hill Station
New York, New York 10021

✓ Robin, Arthur
Box 235
Vails Gate, New York 12584

✓ Stuart Satterly & Son, Inc.
RD#2 Riley Road
New Windsor, New York 12550

returned
Batterly, Margaret M.]
RD#2 Meadow Brook Lane
Cornwall, New York 12518

✓ Marshall, Nicholas C.
Vails Gate, New York 12584

✓ Leonardo, Catherine
C/O Angeline Gruber
355 Third Street
Newburgh, New York 12550

✓ Marshall, Maria
Box 68
Vails Gate, New York 12584



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

returned New Windsor Ambulance
Box 25
Vails Gate, New York 12584

.. NFA Construction Co. Inc.
✓ 10 Truex Drive
New Windsor, New York 12550

returned Grande, Nicholas
Maroney Avenue
Palisades, New York 10964

✓ Mangini, Ida
C/O Thomas Hoffman
200 W. 57th Street
New York, New York 10019

✓ Siano, Michael & Carolyn
P.O. Box 231
Vails Gate, New York 12584

✓ DiMiceli, Anthony & Vincenza
P.O. Box 283
Vails Gate, New York 12584

returned Carione, Frank & Jennie
Box 4
Vails Gate, New York 12584

✓ Knox Village Inc.
2375 Hudson Terrace
Fort Lee, New Jersey

Respectfully submitted,

Ellsworth E. Weyant
ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

555 Union Avenue
New Windsor, N. Y.
February 7, 1977

Chairman Hank Van Leeuwen
New Windsor Planning Board
%Arkel Motors
70 Windsor Highway
New Windsor, N. Y. 12550

RE: PUBLIC HEARINGS - FEBRUARY 14, 1977

Dear Hank:

Enclosed please find copies of applications together with public hearing notices which appeared in The Evening News on February 5, 1977 on the following scheduled hearings:

8 p.m. - APPLICATION FOR SIGN VARIANCES OF JONG JOHN
SILVER

8:15 p.m. - APPLICATION FOR USE VARIANCE OF RICHARD
SARNOWSKI

Kindly be advised that these hearings are scheduled to be heard on Monday evening, February 14, 1977.

Very truly yours,

PATRICIA RAZANSKY
Secretary to Zoning Board of Appeals

/pr

Enclosures

cc: Howard Collett, Bldg./Zoning Inspector

THE TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE
The Town of New Windsor, New York, will hold a public hearing on the following proposed zoning ordinance on the following date and time:
Date: September 20, 1976
Time: 8:00 P.M.
Location: 555 Union Avenue, New Windsor, New York 12550
Subject: Request of LONG JOHN SILVER RESTAURANT for a variance of the regulations of the Zoning Local Law to permit variation of a sign being a variance of Section 48-9, Article of Use Regulations, Column "D" for property situated at Route 32, Vails Gate, Town of New Windsor, New York, adjacent to MacDonald's Restaurant.
Said hearing will take place on the 20th day of September, 1976, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, beginning at 8:00 P.M.
THEODORE JARGSTORFF
Chairman
By: Patricia Razansky
Secretary
Sept. 18, 1976

ZONING BOARD OF APPEALS
Town of New Windsor, New York 12550

555 Union Avenue
New Windsor, N. Y.
September 20, 1976

Mr. Hank Van Leeuwen, Chairman
New Windsor Planning Board
% Arkel Motors
Windsor Highway
New Windsor, N. Y. 12550

RE: APPLICATION FOR SIGN VARIANCE #76-24
LONG JOHN SILVER RESTAURANT (LOU CASALE)

Dear Hank:

Enclosed please find a copy of the above application for sign area variance together with public hearing notice which appeared in The Evening News on ~~September 18, 1976~~ Feb. 5, 1977

Kindly be advised that the above hearing will take place on Monday evening, ~~September 27, 1976~~ at 8 p.m.
Feb. 14, 1977

Very truly yours,

Patricia Razansky
PATRICIA RAZANSKY,
Secretary to ZBA

/pr

Enclosures

cc: Howard Collett, Bldg./Zoning Inspector

PUBLIC NOTICE OF HEARING BEFORE

THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New York will hold a public hearing pursuant
to Section 48-33A of the Zoning Ordinance on the following
proposition:

Appeal No. 1

Request of LONG JOHN SILVER RESTAURANT

for a Variance ~~Special Use Permit~~ of the
regulations of the Zoning Local Law, to permit
variation on a sign

being a Variance ~~Special Use Permit~~ of
Section 48-9 - Table of Use Regulations-Column D,
for property situated at: Route 32, Vails Gate,
Town of New Windsor, N.Y. adjacent to MacDonald's
Restaurant.

SAID HEARING will take place on the 14th day of February, 19 77,
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.
beginning at 8 o'clock P. M.

THEODORE JARGSTOREF,
Chairman

.555 Union Avenue
New Windsor, N. Y. 12550
September 30, 1976

Clabir Food Operation, Inc.
145 Mason Street
Greenwich, Connecticut

Attn: Mr. Lou Casale

RE: APPLICATION FOR VARIANCE FOR SIGN - LONG JOHN SILVER RESTAURANT

Dear Mr. Casale:

We were under the impression that a Public Hearing in the above entitled matter was scheduled for Monday evening, September 27, 1976 at 8:15 p.m. The agenda was scheduled to conform with this arrangement and a public hearing notice was published in The Evening News on September 18, 1976 in accordance with your request in the attached minutes of September 13, 1976 which I have enclosed herewith.

If you are still interested in scheduling a public hearing for a sign area variance, kindly contact the undersigned so that we may reschedule.

Thank you.

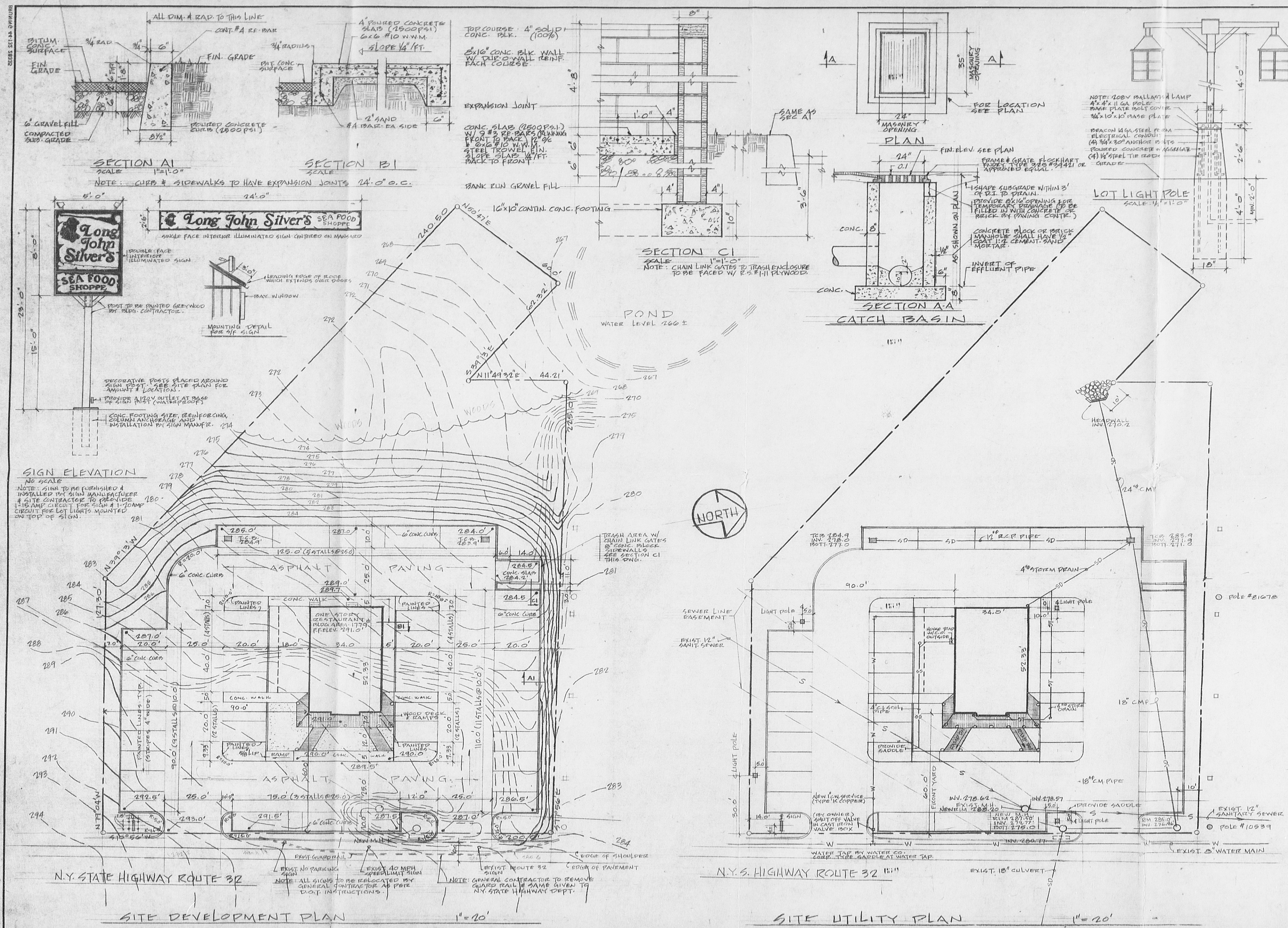
Very truly yours,

PATRICIA RAZANSKY, Secretary

/pr

Enclosure

DATE: 8/12/76
BY: JLS



LONG JOHN SILVER RESTAURANT NEW WINDSOR, N.Y.

PROPERTY OWNER: Herbert Slepoy
881 Knots Road
Woodmere, New York 11598

ZONE: C Design Shopping

PROPOSED USE: Restaurant

	REQUIRED	PROVIDED
Min. site area:	40,000 sq. ft.	46,827 sq. ft.
Min. lot width:	200'	200'
Setbacks (front):	60'	60'
Setbacks (side):	30' (tot. 70')	78' / 90'
Setbacks (rear):	30'	113'
Floor area ratio:	.5%	.03%
Max. bldg. ht.	30'	17'

REVISIONS:

- REVISED - 8/14/76 - BUILDING RELOCATED
- REVISED - 8/11/76 - ADDED L.S. SIGNS
- REVISED - 8/12/76 - REVISED SECT. A1
- REVISED - 9/17/76 - ADDED L.S. SIGNS
- REVISED - 9/15/76 - ADDED L.S. SIGNS

LONG JOHN SILVER RESTAURANT
VAILS GATE TOWN OF WINDSOR, N.Y.

CLABIR FOOD OPERATION, INC.
145 MASON STREET GREENWICH, CONN.

PRELIMINARY
SITE DEVELOPMENT PLAN
SITE UTILITY PLAN

DATE: 8/12/76
SCALE: AS NOTED
PROJ. NO.

HUDSON VALLEY ASSOCIATES ARCHITECTS AIA
RICHARD STATION BRIDGE, NEW YORK 10533 616/461-0002